

Message Text

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SUBJECT: MEETINGS OF WORKING PARTIES 11, 12 AND 7 OF
COMMITTEE OF EXPERTS ON RESTRICTIVE BUSINESS
PRACTICES, APRIL 8-10

1. WORKING PARTY 11 ON MNE'S OF THE OECD COMMITTEE OF
EXPERTS ON RESTRICTIVE BUSINESS PRACTICES MET ON APRIL
9 AND 10, 1975. AT THE REQUEST OF THE DRAFTING GROUP
OF THE INVESTMENT COMMITTEE, THE WORKING PARTY DRAFTED
A SET OF RBP GUIDELINES FOR MNE'S. THESE WERE ADOPTED
UNANIMOUSLY, AND WERE SIX IN NUMBER, FOUR OF THE FIRST
FIVE DEALING WITH SUBSTANTIVE ANTITRUST PROHIBITIONS
AND THE LAST EMBODYING THE RECOMMENDATION THAT MNE'S
SHOULD CONSULT WITH COMPETITION AUTHORITIES WHEN
REQUESTED AND SUPPLY INFORMATION NECESSARY FOR RBP
INVESTIGATIONS.

2. THE GUIDELINES ADOPTED WERE GENERALLY ACCEPTABLE TO
THE U.S. JUSTICE DEPT. AND FTC DELEGATES TO THE WORKING
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PARTY. ALSO ACCEPTABLE WAS A COVERING MEMORANDUM EMPHA-

SIZING THAT THE GUIDELINES IMPLIED NO CONCLUSIONS THAT MNE'S WERE ANTICOMPETITIVE IN EFFECT OR COMMITTED VIOLATIONS MORE OFTEN THAN NATIONAL FIRMS. THE COVERING MEMORANDUM ALSO STRESSED THAT THE FULL REPORT OF THE COMMITTEE OF EXPERTS, DUE JUNE, 1976, MIGHT CONCLUDE THAT GUIDELINES WERE NEITHER THE ONLY NOR THE BEST APPROACH TO DEALING WITH RBP BY MNE'S.

3. WORKING PARTY 11 AGREED TO MEET FOR TWO DAYS, JUNE 17-18, 1975, TO CONSIDER A FIRST DRAFT OF PORTIONS OF ITS FULL REPORT BASED ON QUESTIONNAIRE ANSWERS STILL BEING SUBMITTED.

4. WORKING PARTY 12, ON COLLUSIVE TENDERING, MET ON APRIL 8, 1975. THE GROUP EDITED AND APPROVED A DRAFT CHAPTER COMPARING NATIONAL LAWS RELATING TO BIDDING COLLUSION, WHICH CHAPTER WILL BE THE SECOND SECTION OF A THREE-PART REPORT. THE THIRD CHAPTER, CONTAINING FINDINGS AND RECOMMENDATIONS, WILL BE CONSIDERED AT THE NEXT MEETING OF WP-12, SCHEDULED FOR OCTOBER 16, 1975.

5. WORKING PARTY 7, ON INDUSTRIAL AND INTELLECTUAL PROPERTY, MET ON APRIL 10. THE GROUP DECIDED TO STUDY ANTITRUST PROBLEMS STEMMING FROM TERRITORIAL TYING AND DISTRIBUTION CONDITIONS ACCOMPANYING THE LICENSING OF TRADEMARKS. IT WAS AGREED THAT THE CHAIRMAN (THE U.S. DELEGATE) AND THE SECRETARIAT WOULD PREPARE THE FIRST HALF OF A REPORT IN TIME FOR DISCUSSION AT THE NEXT MEETING, SCHEDULED FOR OCTOBER 13, 1975.
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